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October 26, 1970

WDR:JTWhelrau
145-12-1449

Mr. Tolson
Mr. Sullivan
Mr. Mohr
Mr. Bishop
Mr. Brennan, C.D.
Mr. Callahan
Mr. Casper
Mr. Conrad
Mr. Felt
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United States Attorney
District of Columbia

William D. Ruckelshaus
Assistant Attorney General, Civil Division
By: Harland F. Leathers
Chief, General Litigation Section

NR

Harold Weisberg v. Department of Justice
USDC D.C., Civil Action No. 2301-70

Attention: Mr. Robert Werdig
Asst. U.S. Attorney

Thank you for sending us copies of Answer of Plaintiff to our motion in these proceedings. We suggested the basis for defense of these proceedings in our September 3, 1970, September [illegible], 1970 and October 9, 1970 memoranda. As our October 9, 1970 memorandum confirms, please file the affidavit executed by Special Agent Williams showing that the file pertaining to the assassination of President Kennedy plaintiff demands was compiled as part of an FBI investigation. Congressional reports pertaining to 5 U.S.C. 552 indicate that Congress intended to protect all such files by enactment of exemption 7. S. Rep. No. 813, 89th Cong., 1st Sess., p. 9; House Report No. 1497, 89th Cong., 2nd Sess., p. 2; [illegible] v. [illegible] Corp. of America, 50 F.R.D. 130 (D.C. 1970). 1/

We also suggest that you file a supplementary statement of material facts pursuant to Local Rule 9(h) incorporating the facts stated in the affidavit.

Please continue to send us copies of all papers filed and keep us informed of all developments.

cc: Mr. J. Edgar Hoover
Director, Federal Bureau of Investigation
(w/copy of Answer of Plaintiff)

Assassination of President John F. Kennedy

REC 74 62-109060-6967

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1/ Plaintiff's suggestion that the FBI could not properly investigate the assassination of the President of the United States is plainly frivolous and ought to be rejected out of hand. In any event, the [illegible] exemption of [illegible] 7 is whether or not the file was compiled "for law enforcement purposes" rather than [illegible] use. Certainly, investigations may properly close with the conclusion no crime has been committed.

3 ENCLOSURE

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Section 174